



**COMMISSION
SIXTEENTH REGULAR SESSION**
Port Moresby, Papua New Guinea
5 – 11 December 2019

PROPOSAL FOR AMENDING CMM 2010-06 (WCPFC IUU VESSEL LIST)

**WCPFC16-2019-DP08_rev1
10 December**

SUBMITTED BY EUROPEAN UNION

**CONSERVATION AND MANAGEMENT MEASURE TO ESTABLISH
A LIST OF VESSELS PRESUMED TO HAVE CARRIED OUT
ILLEGAL, UNREPORTED AND UNREGULATED FISHING ACTIVITIES IN THE WCPO**

Conservation and Management Measure 2010-06¹

**EU proposed amendments and comments received by CCMs and
WCPFC legal advisor (versions with track changes and clean)**

DRAFT 9 DECEMBER 22h

Special-Procedures for Cross-listing IUU Vessels from Other Specified Organisations

29bis. The WCPFC IUU Vessel list, will ~~be~~ include two sections. Section A will include vessels listed by WCPFC, while section B will include vessels listed in the RFMOs indicated in paragraph 30.

30. The WCPFC Secretariat shall maintain appropriate contacts, inter alia, with the Secretariats of the following organisations in order to obtain their latest IUU vessel lists and any other relevant information regarding the list in a timely manner upon adoption or amendment, including information on whether the organisation is the original listing organisation: the Commission for the Conservation of Southern Bluefin Tuna (CCSBT), the International Commission for the Conservation of Atlantic Tunas (ICCAT), the Indian Ocean Tuna Commission (IOTC), the Inter American Tropical Tuna Commission (IATTC), the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR), the Southern Indian Ocean Fisheries Agreement (SIOFA), ~~the General Fisheries Commission for the Mediterranean (GFCM), the Northwest Atlantic Fisheries Organization (NAFO), the North East Atlantic Fisheries Commission (NEAFC), the North Pacific Fisheries Commission (NPFC), the South East Atlantic Fisheries Organisation (SEAFO),~~ and the South Pacific Regional Fisheries Management Organisation (SPRFMO).

31. Notwithstanding paragraph 1, IUU vessels listed by the organisations set out in paragraph 30 may be added to or deleted from the WCPFC IUU Vessel List, provided that the procedures specified in paragraphs 32 and 33 are followed.

32. In addition to the organisations set out in paragraph 30, the WCPFC Executive Director shall transmit the WCPFC IUU Vessel List to any relevant organisation that has expressed an interest to receive such List.

33. Upon receipt of the information outlined in paragraphs 30, the WCPFC Executive Director shall promptly circulate it to all CCMs for the purpose of amending the WCPFC IUU Vessel List.

¹ By adoption of this CMM 2010-06, which reflected Attachment T and U of the WCPFC7 Summary Report, the Commission rescinds CMM 2007-03 which has been revised and replaced.

~~34. Vessels that have been included in the IUU vessel lists of the organisations set out in paragraph 30 shall be included in the WCPFC IUU Vessel List, unless any CCM objects to the inclusion in writing within 30 days of the date of transmission by the Executive Director. The objecting CCM shall explain the reason for the objection.~~

~~35. In the event of an objection to the inclusion pursuant to paragraph 34, the case shall be brought to the following session of the WCPFC TCC for its examination. The TCC shall provide a recommendation to the Commission on the inclusion of the relevant vessel/s in the WCPFC IUU Vessel List.~~

32. Upon receipt of the information outlined in paragraph 30, where a vessel has been added to an organisation's IUU Vessel List and the organisation concerned is the original listing organisation, the Executive Director shall include the relevant information on a draft WCPFC IUU Vessel List which is circulated to CCMs 55 days before the TCC annual meeting. Those vessels shall be included on the IUU Vessel List, unless TCC recommends to the Commission that one or more vessels not be included on the List or the Commission decides otherwise. The procedures in paragraphs 6 to 20 shall not otherwise apply to those vessels.

~~36. Vessels that have been listed under the procedures specified in paragraphs 33 and 34 and that have been removed from the IUU vessel lists of the relevant organisations set out in paragraph 30 shall be removed from the WCPFC IUU Vessel List.~~

~~33. Vessels included in the IUU Vessel List under the cross-listing procedures specified in paragraph 32 which are subsequently removed from the IUU vessel list of an original listing organisation set out in paragraph 30, shall be automatically removed from the WCPFC IUU Vessel List. Upon notification from the original listing organization of the removal of a vessel, the Executive Director shall remove the vessel from the WCPFC IUU Vessel List and ~~Upon the deletion of a vessel from the IUU Vessel List in accordance with this paragraph, the Executive Director shall circulate the amended IUU List to all CCMs. The effective date of removal of such vessels from the WCPFC's IUU Vessel List will be the same date the vessel was removed from the original listing organisation's IUU Vessel List.~~~~

~~37. Upon the change of the WCPFC IUU Vessel List pursuant to paragraphs 34 or 36, the WCPFC Executive Director shall circulate the amended List to all CCMs.~~

Involvement of Nationals in IUU fishing activities

34. Without prejudice to the primacy of the responsibility of the Flag State, each CCM shall take appropriate measures, subject to, and in accordance with, its applicable laws and regulations:

- a) to verify if any of its nationals or any natural or legal persons subject to its jurisdiction are engaged in the activities described in paragraph 3;
- b) to verify if any of its nationals or any natural or legal persons subject to its jurisdiction are

responsible for, benefiting from, supporting or engaging in the activities described in paragraph 3 (e.g. as operators, effective beneficiaries, owners, logistics and service providers, including insurance

providers and other financial service providers);

c) to take appropriate action in response to any verified activities referred to in paragraphs 34 (a) and (b). Such action shall include measures to effectively deprive any of the participants in such activities of the benefits obtained and effectively dissuade the actors of further illegal activities.

35. CCMs shall cooperate, including by seeking reciprocal and cooperative arrangements for exchange of information, for the purpose of implementing this CMM. To this end relevant agencies of CCMs should designate a contact point through which information on reported activities described in paragraphs 34 (a) and (b), including information regarding vessel identification, ownership including beneficial ownership, crew and catch, as well as information regarding relevant domestic legislation and the results of actions taken with regard to the implementation of this CMM can be exchanged.

36. To assist with the implementation of this CMM, CCMs shall submit where applicable, at the latest 30 days before the Regular Commission meeting, annual reports to the Secretariat on the actions and measures taken in accordance with paragraph 34. These reports shall be posted by the Secretariat in the secured part of the WCPFC website.

DRAFT 9 DECEMBER 22h CLEAN

Procedures for Cross-listing IUU Vessels from Other Specified Organisations

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32. Upon receipt of the information outlined in paragraph 30, where a vessel has been added to an organisation's IUU Vessel List and the organisation concerned is the original listing organisation, the Executive Director shall include the relevant information on a draft WCPFC IUU Vessel List which is circulated to CCMs 55 days before the TCC annual meeting. Those vessels shall be included on the IUU Vessel List, unless TCC recommends to the Commission that one or more vessels not be included on the List or the Commission decides otherwise. The procedures in paragraphs 6 to 20 shall not otherwise apply to those vessels.

33. Vessels included in the IUU Vessel List under the cross-listing procedures specified in paragraph 32 which are subsequently removed from the IUU vessel list of an original listing organisation set out in paragraph 30, shall be automatically removed from the WCPFC IUU Vessel List. Upon notification from the original listing organization of the removal of a vessel, the Executive Director shall remove the vessel from the WCPFC IUU Vessel List and shall circulate the amended IUU List to all CCMs. The effective date of removal of such vessels from the WCPFC's IUU Vessel List will be the same date the vessel was removed from the original listing organisation's IUU Vessel List.

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- a) to verify if any of its nationals or any natural or legal persons subject to its jurisdiction are engaged in the activities described in paragraph 3;
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